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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/995,475	11/28/2001	Lewis B. Schwartz	27373/37922

04743  
MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN  
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CONFIRMATION NO. 2320  
FORMALITIES LETTER



\*OC000000007191527\*

Date Mailed: 12/13/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Docketed: 2-13-02

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/12/2002 MBERHE 00000026 09995475

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65.00 OP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schwartz *et al.*

Serial No.: 09/995,475

Filed: November 28, 2001

For: GENETICALLY  
ENGINEERED HERPES  
VIRUS FOR THE  
TREATMENT OF  
CARDIOVASCULAR  
DISEASE

Group Art Unit: To be assigned

Examiner: To be assigned

) I hereby certify that this paper is  
) being deposited with the United States  
) Postal Service as first class mail,  
) postage prepaid, in an envelope  
) addressed to: Commissioner for  
) Patents, Attention: Box Missing Parts,  
) Washington, D.C. 20231 on this date:

) February 26, 2002

) 

) Thomas A. Cawley, Jr., Ph.D.

) Reg. No. 40,944

) Attorney for Applicants  
)  
)  
)

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NON-PROVISIONAL APPLICATION  
UNDER 37 C.F.R. §1.53(B) - FILING DATE GRANTED**

Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

This is in response to the "Notice to File Missing Parts of Non-provisional Application Under 37 C.F.R. §1.53(b) - Filing Date Granted" dated December 13, 2001, (copy enclosed as *Appendix A*).

In response the applicants have enclosed herewith three executed declarations (see *Appendix B*). Specifically, while both declarations list all inventors, the first appearing declaration is executed by Dr. Schwartz, the second appearing declaration is executed by Dr. Weichselbaum, and the third appearing declaration is executed by Dr.


Roizman. Enclosed along with the executed declarations is the patent application processing fee (\$65) in the form of a check. This submission is also accompanied by a petition for an extension of time to file in the first month and the requisite fee.

In the event the Patent Office deems other fees are due that are directly related to this response to a notice to file missing parts, authorization is hereby granted to charge said fees to Deposit Account No. 13-2855

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

By



Thomas A. Cawley, Jr., Ph.D.

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February 26, 2002